

§ 361.2

farms and are or may be generally known and sold under the name of vegetable seed:

Artichoke—*Cynara cardunculus* L. subsp. *cardunculus*
 Asparagus—*Asparagus officinalis* Baker
 Asparagusbean or yard-long bean—*Vigna unguiculata* (L.) Walp. subsp. *sesquipedalis* (L.) Verdc.
 Bean, garden—*Phaseolus vulgaris* L.
 Bean, lima—*Phaseolus lunatus* L.
 Bean, runner or scarlet runner—*Phaseolus coccineus* L.
 Beet—*Beta vulgaris* L. subsp. *vulgaris*
 Broadbean—*Vicia faba* L.
 Broccoli—*Brassica oleracea* L. var. *botrytis* L.
 Brussels sprouts—*Brassica oleracea* L. var. *gemmifera* DC.
 Burdock, great—*Arctium lappa* L.
 Cabbage—*Brassica oleracea* L. var. *capitata* L.
 Cabbage, Chinese—*Brassica rapa* L. subsp. *pekinensis* (Lour.) Hanelt
 Cabbage, tronchuda—*Brassica oleracea* L. var. *costata* DC.
 Cantaloupe—(see Melon)
 Cardoon—*Cynara cardunculus* L. subsp. *cardunculus*
 Carrot—*Daucus carota* L. subsp. *sativus* (Hoffm.) Arcang.
 Cauliflower—*Brassica oleracea* L. var. *botrytis* L.
 Celeriac—*Apium graveolens* L. var. *rapaceum* (Mill.) Gaud.
 Celery—*Apium graveolens* L. var. *dulce* (Mill.) Pers.
 Chard, Swiss—*Beta vulgaris* L. subsp. *cicla* (L.) Koch
 Chicory—*Cichorium intybus* L.
 Chives—*Allium schoenoprasum* L.
 Citron—*Citrullus lanatus* (Thunb.) Matsum. and Nakai var. *citroides* (Bailey) Mansf.
 Collards—*Brassica oleracea* L. var. *acephala* DC.
 Corn, sweet—*Zea mays* L.
 Cornsalad—*Valerianella locusta* (L.) Laterrade
 Cowpea—*Vigna unguiculata* (L.) Walp. subsp. *unguiculata*
 Cress, garden—*Lepidium sativum* L.
 Cress, upland—*Barbarea verna* (Mill.) Asch.
 Cress, water—*Rorippa nasturtium-aquaticum* (L.) Hayek
 Cucumber—*Cucumis sativus* L.
 Dandelion—*Taraxacum officinale* Wigg.
 Dill—*Anethum graveolens* L.
 Eggplant—*Solanum melongena* L.
 Endive—*Cichorium endivia* L.
 Gherkin, West India—*Cucumis anguria* L.
 Kale—*Brassica oleracea* L. var. *acephala* DC.
 Kale, Chinese—*Brassica oleracea* L. var. *alboglabra* (Bailey) Musil
 Kale, Siberian—*Brassica napus* L. var. *pabularia* (DC.) Reichb.
 Kohlrabi—*Brassica oleracea* L. var. *gongylodes* L.
 Leek—*Allium porrum* L.
 Lettuce—*Lactuca sativa* L.

7 CFR Ch. III (1–14 Edition)

Melon—*Cucumis melo* L.
 Muskmelon—(see Melon).
 Mustard, India—*Brassica juncea* (L.) Czernj. and Coss.
 Mustard, spinach—*Brassica perviridis* (Bailey) Bailey
 Okra—*Abelmoschus esculentus* (L.) Moench
 Onion—*Allium cepa* L.
 Onion, Welsh—*Allium fistulosum* L.
 Pak-choi—*Brassica rapa* L. subsp. *chinensis* (L.) Hanelt
 Parsley—*Petroselinum crispum* (Mill.) A.W. Hill
 Parsnip—*Pastinaca sativa* L.
 Pea—*Pisum sativum* L.
 Pepper—*Capsicum* spp.
 Pe-tsai—(see Chinese cabbage).
 Pumpkin—*Cucurbita pepo* L., *C. moschata* (Duchesne) Poirer, and *C. maxima* Duchesne
 Radish—*Raphanus sativus* L.
 Rhubarb—*Rheum rhabarbarum* L.
 Rutabaga—*Brassica napus* L. var. *napobrassica* (L.) Reichb.
 Sage—*Salvia officinalis* L.
 Salsify—*Tragopogon porrifolius* L.
 Savory, summer—*Satureja hortensis* L.
 Sorrel—*Rumex acetosa* L.
 Southernpea—(see Cowpea).
 Soybean—*Glycine max* (L.) Merr.
 Spinach—*Spinacia oleracea* L.
 Spinach, New Zealand—*Tetragonia tetragonioides* (Pall.) Ktze.
 Squash—*Cucurbita pepo* L., *C. moschata* (Duchesne) Poirer, and *C. maxima* Duchesne
 Tomato—*Lycopersicon esculentum* Mill.
 Tomato, husk—*Physalis pubescens* L.
 Turnip—*Brassica rapa* L. subsp. *rapa*
 Watermelon—*Citrullus lanatus* (Thunb.) Matsum. and Nakai var. *lanatus*

§ 361.2 Preemption of State and local laws; general restrictions on the importation of seed and screenings.

(a) The regulations in this part preempt State and local laws regarding seed and screenings imported into the United States while the seed and screenings are in foreign commerce. Seed and screenings imported for immediate distribution and sale to the consuming public remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be considered on a case-by-case basis.

(b) No person shall import any agricultural seed, vegetable seed, or screenings into the United States unless the importation is in compliance with this part.

(c) Any agricultural seed, vegetable seed, or screenings imported into the United States not in compliance with

this part shall be subject to exportation, destruction, disposal, or any remedial measures that the Administrator determines are necessary to prevent the dissemination into the United States of noxious weeds.

(d) Except as provided in §361.7(b), coated or pelleted seed may enter the United States only if each lot of seed is accompanied by an officially drawn and sealed sample of seed drawn from the lot before the seed was coated or pelleted. The sample must be drawn in a manner consistent with that described in §361.5 of this part.

(e) Except as provided in §§361.4(a)(3) and 361.7(c), screenings of all agricultural seed and vegetable seed are prohibited entry into the United States.

[62 FR 48460, Sept. 16, 1997, as amended at 74 FR 53400, Oct. 19, 2009]

§ 361.3 Declarations and labeling.

(a) All lots of agricultural seed, vegetable seed, and screenings imported into the United States must be accompanied by a declaration from the importer of the seed or screenings. The declaration must state the kind, variety, and origin of each lot of seed or screenings and the use for which the seed or screenings are being imported.

(b) Each container of agricultural seed and vegetable seed imported into the United States for seeding (planting) purposes must be labeled to indicate the identification code or designation for the lot of seed; the name of each kind or kind and variety of agricultural seed or the name of each kind and variety of vegetable seed present in the lot in excess of 5 percent of the whole; and the designation "hybrid" when the lot contains hybrid seed. Kind and variety names used on the label shall conform to the kind and variety names used in the definitions of "agricultural seed" and "vegetable seed" in §361.1. If any seed in the lot has been treated, each container must be further labeled, in type no smaller than 8 point, as follows:

(1) The label must indicate that the seed has been treated and provide the name of the substance or process used to treat the seed. Substance names used on the label shall be the commonly accepted coined, chemical (generic), or abbreviated chemical name.

(i) Commonly accepted coined names are commonly recognized as names of particular substances, e.g., thiram, captan, lindane, and dichlone.

(ii) Examples of commonly accepted chemical (generic) names are blue-stone, calcium carbonate, cuprous oxide, zinc hydroxide, hexachlorobenzene, and ethyl mercury acetate. The terms "mercury" or "mercurial" may be used in labeling all types of mercurials.

(iii) Examples of commonly accepted abbreviated chemical names are BHC (1,2,3,4,5,6-Hexachlorocyclohexane) and DDT (dichloro diphenyl trichloroethane).

(2) If the seed has been treated with a mercurial or similarly toxic substance harmful to humans and vertebrate animals, the label must include a representation of a skull and crossbones and a statement indicating that the seed has been treated with poison. The skull and crossbones must be at least twice the size of the type used for the information provided on the label, and the poison warning statement must be written in red letters on a background of distinctly contrasting color. Mercurials and similarly toxic substances include the following:

Aldrin, technical	
Demeton	
Dieldrin	
p-Dimethylaminobenzenediazo sulfonate	sodium
Endrin	
Ethion	
Heptachlor	
Mercurials, all types	
Parathion	
Phorate	
Toxaphene	
O-O-Diethyl-O-(isopropyl-4-methyl-6-pyrimidyl) thiophosphate	
O,O-Diethyl-S-2-(ethylthio) phosphorodithioate	ethyl

(3) If the seed has been treated with a substance other than one classified as a mercurial or similarly toxic substance under paragraph (b)(2) of this section, and the amount remaining with the seed is harmful to humans or other vertebrate animals, the label must indicate that the seed is not to be used for food, feed, or oil purposes. Any amount of any substance used to treat the seed that remains with the seed